

**AGENDA ITEM#8**

July 12, 2002

To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: Proposed Acquisition of 149-Acre Parcel on Bradford Island, Contra Costa County, for Mitigation of Past Levee Maintenance, for Mitigation of Loss of Dredge Spoils Disposal on the Northeastern Tip of Decker Island, Solano County, and Possible Future Mitigation Needs  
*(For Commission Consideration and Possible Comment to CALFED and Department of Water Resources)*

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<p>The Commission should review the staff report, receive a briefing from Department of Water Resources staff, and receive public comments. The Commission should then determine if the proposed acquisition and restoration of habitat are consistent with the Commission's Law and Plan.</p>
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**Background:**

The Department of Water Resources' program to assist Reclamation Districts with levee maintenance is now a CALFED program. The Department has requested comments from the Delta Protection on the proposed acquisition.

**Purpose of the Proposed Acquisition:**

The Delta Levee Subvention Program is now part of CALFED. The existing, ongoing Delta Levee Subvention Program operates under State law and CEQA. Levee maintenance projects that adversely impact (remove) habitat must mitigate for the loss of that habitat. Past levee maintenance of the Bradford Island levees resulted in loss of approximately ten acres of habitat on the water and land sides of the levee. Department of Fish and Game requires this habitat loss be mitigated at a three to one ratio, resulting in the need for 32 acres of land to be restored and permanently maintained as habitat. This project is NOT an "Ecosystem Restoration Project".

The Delta Levee Subvention Program has a second habitat component under State law (AB 360). The Program is required to provide for "net habitat improvement" in the Delta. To this end, the Department of Water Resources and the Department of Fish and Game designed, funded, and constructed a habitat restoration project on a 35-acre parcel at the northeast tip of Decker Island, Solano County. The site had an easement for dredge spoil disposal and was historically used as a

dredge disposal site. The restoration project included removal of 335,000 cubic yards of dredged material, reuse of that material on Twitchell Island and Webb Tract for levee repair and maintenance, excavation of channels, planting native plants, and opening the 15-acre restoration site to tidal action. The CALFED Ecosystem Restoration Program (ERP) includes targets for types of habitat enhancement in the Legal Delta. Decker Island is located in the "Central and Western Delta Ecological Management Unit". Within this Unit, CALFED's ERP identifies Midchannel Islands as a habitat type and sets a restoration target of 50 to 200 acres in the "Central and West Delta" Unit. Restoration of riparian habitat on a portion of Decker Island helps CALFED meet that target.

*[Riparian habitat is defined by the CALFED Ecosystem Restoration Program as both forest and shrub, found on the water and land side of levees and in the interior of some islands... The highest value riparian habitat has a dense and diverse canopy structure with abundant leaf and invertebrate biomass... Riparian habitat is used by more terrestrial wildlife species than any other Delta habitat type. Source: Ecosystem Restoration Program Plan, Volume II: Ecological Management Zone Visions, p. 74]*

To mitigate for the loss of site for deposition of dredged material, Department of Water Resources must provide to the Reclamation Board a new site for future dredged material disposal. Approximately 35 acres of the Bradford Island site would be set aside for a dredged material disposal site. The size and location of the proposed disposal site has been reviewed and approved by the Reclamation Board staff.

The Reclamation District would lease the remainder of the parcel for cattle grazing, unless needed in the future for mitigation.

**Project Proponent:**

Department of Water Resources will be funding the acquisition; the acquisition will be by Reclamation District 2059, Bradford Island.

**Project Location:**

Bradford Island is in Contra Costa County in the Primary Zone of the Delta. Bradford Island is one of the designated Eight Western Islands, deemed critical for the projection of water quality in the Central Delta. The proposed acquisition site is 149 acres and is bounded by San Joaquin River to the west.

The adjacent lands are privately owned and primarily used for grazing. There is a "blow out" pond covering three parcels to the south. Another nearby parcel has been purchased by the Port of Stockton for use as a dredge spoils disposal site.

**Ownership:**

The parcel, AP 26-020-002, is currently owned by Benson Family. A permit for a sand loading facility was issued to a previous owner, Atkinson, in 1970 (Corps Permit No. 4332)

**Description of the Site:**

The proposed acquisition site is flat to rolling with some higher areas of sand hills. The site is vegetated with grasses and a few large oak trees. The site elevation ranges from plus five to minus ten. The levees meet agricultural standards (one foot above the 100-year flood plane).

The site is Rindge muck with areas of Piper fine sandy loam. Most of Bradford Island is designated Prime agricultural land. Water sources are the adjacent waterways with drainage to a center drain running north south through the Island. The site is not under Williamson Act contract.

Bradford Island is only accessible by ferry and has a limited agricultural base; largely grazing. There are many residences constructed along the levee, particularly along the western shoreline of Fisherman's Cut. The Island was developed for recreational uses in the late 1960's, and currently has a modest population of full time residents.

**Existing Uses of the Site:**

The site is currently used for cattle grazing. The site has been in agricultural use since the Island was reclaimed. In the past, sand was mined from portions of the site. There are no recreation uses on the site. There are no residents on the parcel. There is a road on the levee and a center-island road, but no other utilities or infrastructure. There are no houses or other structures on the parcel.

The existing land use is light grazing of non-cultivated grasses; there are some large oak and black walnut trees on the site. There has been no formal survey of the wildlife habitat values.

**History of Flooding:**

Bradford Island flooded once, in 1983. The flooding was caused by overtopping that resulted in erosion of the land side of the levee.

**Description of the Restoration Project:**

The Reclamation District proposes to build a new fence parallel to the southern boundary and parallel to the three parcels surrounding the blowout pond. These three parcels are more heavily vegetated with trees and riparian vegetation. The Reclamation District and DWR are developing a revegetation plan that may include grading, planting of native plants, and irrigation. The revegetation plan is subject to review and approval by Department of Fish and Game. The Reclamation District will own the site, but may seek a third party to manage the site.

**Pending and Proposed Projects:**

There are no pending projects on Bradford Island.

**Local Government General Plan and Zoning:**

The Contra Costa County General Plan designates all of Bradford Island as DR--Delta Recreation and Resources, and zoned A-2, General Agriculture--five-acre minimum parcels. County Planning staff indicates a habitat mitigation project would be consistent with the General Plan designation.

**Actions/Permits Needed:**

The County planning staff indicates the acquisition must be reviewed by the East County Planning Commission. The Reclamation District needs no approvals to proceed with the restoration project.

**Loss of Taxes and Fees:**

Acquisition of the site by the Reclamation District would result in loss of property taxes and fees. The Department of Water Resources proposes to create an endowment that would allow the Reclamation District to pay in-lieu fees to make up for those losses. The endowment would also fund long-term management of the restoration site.

**Conformance with CALFED Program:**Levee Program:

The Levee Subvention Program, which funds on-going maintenance of Delta levees, is now part of the CALFED Levee Program. Mitigation for removal of vegetation associated with levee maintenance is required of all levee maintenance work to ensure "no net loss" of habitat.

Mitigation for retirement of a dredged material disposal site is required by the Reclamation Board.

Ecosystem Restoration Program:

The type of vegetation proposed for the mitigation site is Riparian shrub and forest; restoration plans are in preparation and will be coordinated with CALFED's Ecosystem Restoration staff and the Department of Fish and Game.

Agricultural Land Use:

The acquisition and subsequent enhancement will retire 32 acres from agriculture. If needed in the future, use of the 35-acre dredge disposal site would retire that land from agriculture at least temporarily. The remainder of the site would remain in agriculture; there would be no loss of agricultural jobs. The one person that oversees the grazing program on this and several other sites would continue to oversee a future grazing program. However, the remainder of the parcel (82 acres) would not be permanently protected.

**Conformance with Delta Protection Commission Policies and Recommendations:**

Levee Policy P-1: Local governments shall ensure that Delta levees are maintained to protect human life, to provide flood protection, to protect private and public property, to protect historic structures and communities, to protect riparian and upland habitat, to promote interstate and intrastate commerce, to protect water quality in the State and federal water projects, and to protect recreation use of the Delta area. Delta levee maintenance and rehabilitation shall be given priority over other uses of the levee areas. To the extent levee integrity is not jeopardized, other uses, including support of vegetation for wildlife habitat, shall be allowed.

Levee Recommendation R-5: If funding is made available to the reclamation districts for levee maintenance, mitigation for removal of vegetation required to maintain existing levees should be coordinated through a memorandum of understanding between reclamation districts, State, and federal agencies, which results in minimal fiscal impacts to reclamation districts and which will result in "no net long term loss" of habitat in the legal Delta.

Levee Recommendation R-8: To lower levee maintenance costs, streamlined permitting systems for authorization of dredging for levee maintenance and rehabilitation work including the improvement of wildlife habitat and habitat mitigation sites, and for levee upgrading to mandated standards to protect public health and safety, should be instituted with one state agency designated as lead agency and one federal agency designated as lead agency. Federal agency concurrence in such designations should be obtained.

### **Issues:**

#### Alternatives to Fee Ownership:

The Reclamation District indicates the current landowner is not interested in selling an easement, or selling a portion of the parcel. The Reclamation District also evaluated purchasing credits in the Medford Island Mitigation Bank and determined there are not enough units left on Medford Island to fully offset the mitigation required for Bradford Island levee maintenance work, and the cost of purchasing credits in the Mitigation Bank would be twice the cost of purchasing the entire 150 acre parcel on Bradford Island.

#### Agriculture:

CALFED's Record of Decision (ROD) acknowledges that implementation of the preferred program will result in impacts to agricultural land. Appendix A to the ROD includes a number of actions that could be used to mitigate impacts of CALFED program implementation. CALFED has not yet adopted a specific strategy for addressing loss of agricultural lands in the Delta, or any other region.

However, a new Bay-Delta Public Advisory Committee Subcommittee for "Working Landscapes" was formed at the June BDPAC meeting. This Subcommittee will be overseeing preparation of mitigation guidelines pertaining to loss of ag land. In the interim, the purchasers of the site can protect the remainder of the parcel by retaining it in agriculture which would be more than one to one offset for the loss of up to 67 acres of agricultural land.

#### Wildlife Habitat:

There will be a gradual evolution of the mitigation site from grazed grasslands to shrub scrub and eventually riparian forest. The project would provide habitat for many species of birds and other terrestrial species. The site is adjacent to an existing area of permanent pond riparian forest. Management provisions are minimal.

#### Recreation:

The proposed project would not displace any existing recreation activities. No new recreation development is proposed on the site or at any nearby location.